(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1879 of 2007

Petitioners

1. Syed Ahmed Ali, son of Syed Shauket Ali, aged about 30 years, resident of Imambada, Subhash Ward, Jagdalpur, District Bastar (C.G.)
2. Kumari Shabina Begum, daughter of Shri M.A. Khan, aged about 30 years, resident of Arman Manzil, Subhash Ward, Jadgalpur District Bastar (C.G.)
3. Kumari Rabiya Khan, daughter of Shri Seikh Shahzada, aged about 26 years, resident of besides Subhash Ward, old Narendra Talkies Jagdalpur District Bastar (C.G.)

Versus

Respondents:

1. State of Chhattisgarh, through the Secretary, Department of School Education, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Director, Public Instructions Department, Directorate, Raipur Distt. Raipur (C.G.)
3. District Education Officer, Jagdalpur, District Bastar (C.G.)
4. Anjuman Islamiya Committee, through- Chairman Education Sub Committee, Jagdalpur, District Bastar (C.G.)

Present: Mr. Rahul Jha, Advocate for the petitioners.
Ms. Deepali Pandey, Panel Lawyer for State/respondents No. 1 to 3.

O R D E R

(Passed on 2nd day of April, 2007)

1. The petitioners vide order dated 24.7.2001 (Annexure P-1) was appointed as Contract Teachers in Government aided School on fixed pay of

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Rs. 500/- for the academic session 2001-02 i.e. from 16th July, 2001 to 30th April, 2002. Thereafter, petitioners continued in the same capacity without any fresh appointment order on contract basis.

2. The Government of Chhattisgarh, School Education Department vide letter dated 17.1.2006 (Annexure P-3) instructed the Director, Public Instructions to grant permission to convert nature of the contract teachers to Shiksha Karmis.

3. Learned counsel appearing for the petitioners submits that despite letter dated 17.1.2006, the respondent No. 4 has not taken any step for grant of pay-scale of Shiksha Karmis to the petitioners who are still working as contract teachers. The question for consideration arises in this case is asto whether an employee who has been appointed, not in accordance with law and de-hors the constitutional scheme of employment, has right to be appointed at Shiksha Karmis in the letter dated 17.1.2006 (Annexure P-3).

4. It is well settled principle of law that if the appointment is de-hors the constitutional scheme of employment or not in accordance with law, the subsequent regularization, continuation or grant of higher pay-scale does not confer any right on such employees.

5. Be that as it may, the petitioners are granted liberty to approach the concerned authority for grant of benefit under letter dated 17.1.2006, if so advised.

6. Thus, petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash